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Federal Communications Commission (FCC)
Office of the Secretary
1919 M Street, NW, Room 222
Washington, D.C. 20554.

To Whom It May Concern:

Please accept this letter as a comment on the regulations which the FCC is proposing to adopt for implementation of Section 255 of the Telecommunications Act of 1996.

I am blind, I work full-time as an attorney in a high level position in state government in a non-disability related field. I make extensive use of telecommunications hardware and software in my professional and personal life. Problems related to telecommunications access are without a doubt the most significant disability-related issues I face. And the most frustrating part is that, in most instances, the problems could be easily avoided if the manufactures of the equipment or software simply took the needs of visually impaired people into account when they designed their products. Some examples may help to illustrate the problems I face:

I have two cellular telephones. Both of them have visual displays that I cannot read. Fortunately, the older phone is relatively simple and I have been able to memorize the steps necessary to use it. The newer phone, however, has many complicated features and it is essential that you be able to read the messages on the display to use it effectively. Therefore, I cannot really use it independently.

Similarly, I have a new telephone in my office with many programmable features. I can make basic calls by myself, but I cannot program the speed dialing or use the other advanced features without sighted assistance because they depend upon responding to prompts or information on a small display screen.

At home, I can't use the cable television or the VCR independently. Its easy enough to memorize the keys on the remote control, but if anything goes wrong you can't read the messages on the screen to determine how to solve the problem. and, of course, you can't use any of the programming features on the VCR.

Finally, I have computers both at home and at work. Between the two, I probably spend an average of ten hours a

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computer. This has always been a struggle because of the need to have complex and expensive adaptive equipment providing both speech and Braille access to the computer. However, the problems have been vastly increased by the advent of Windows and the Internet. Both my employer and I had spent thousands of dollars on adaptive equipment to allow me to work in a DOS-based environment. That was working fine, but as the rest of the world made the conversion to Windows it became more and more difficult to maintain compatibility with others. Also, it was getting to the point that no one would sell software or provide support for DOS-based systems. So, both my employer and I have been forced to buy additional software and hardware and pay specialists to install and configure it. All of this is expensive, time-consuming, and disruptive to productive work. All of that is bad enough, but the worst part is that even after all that the access I have now is still far inferior to what I had before. There are many graphic symbols the software cannot decipher, it often locks up or crashes, and there are many software applications and/or Internet services I still cannot use. For example, I am writing this letter using my old DOS-based word-processors because the one that came with my new computer won't work with the Windows access equipment I just purchased for approximately \$8,000. So now, on top of that, I have to go out and buy a new word processing program when I already own a perfectly good one that I just can't use.

These are problems and frustrations for me, but I am well-educated, earn good money, and have a very supportive employer. What happens to blind people who can't afford to spend thousands of dollars to buy adaptive equipment? What if your employer isn't willing or able to do so either? You just get left out of our modern technological age while Microsoft, AT&T and the other big corporations whine about the cost of making their products accessible as they rack up ever more astronomical profits.

I urge the FCC to adopt strong regulations based on the guidelines developed by the Architectural and Transportation Barriers Compliance Board pursuant to Section 255. These guidelines are fair and provide guidance to manufacturers about how to achieve access in the design of their products and make product information and instructions accessible to people with disabilities. I believe adoption of the Access Board Guidelines would avoid certain significant problems that might arise were the regulations adopted as proposed in the NPRM.

In particular, I am concerned by the fact that you propose to adopt a definition of the term "readily achievable" which is quite different from that used under the Americans with Disabilities Act (ADA). For example, the definition of "readily achievable" contained in the proposed regulations would create a huge loophole by allowing manufactures to consider whether they will be able to recover the costs of providing access, and the extent to which they will be able to market an accessible product. These factors may allow a company to get out of its access obligations merely because the market for certain accessible products may be smaller. This is

contrary to the intent of Congress in enacting Section 255 and, as discussed above, its clear that if we leave it up to the market, access won't happen or it will be prohibitively expensive.

In addition, I must object to the fact that the proposed rules do not cover "enhanced services" such as electronic mail and videotext information. Many of these services have become commonplace and there is no legitimate reason why they shouldn't be made accessible.

With these changes, I believe the proposed rules will go a long way to ensuring that people with visual impairments and other types of disabilities will be able to access telecommunications products and services. As we prepare to enter the 21st century such products and services are becoming an increasingly important aspect of both personal life and employment. As such, access to these products and services is a basic right which every citizen should enjoy and, because of Section 255, it is the responsibility of the FCC to safeguard these rights.

Sincerely,


Ralph Black, Esq.

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